

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RIGOBERTO MELERO-AGUIRRE,

Petitioner,

vs.

No. CV 20-00109 KWR/SCY

T. BERGAMI (WARDEN),

Respondent.


ORDER TO TRANSFER TO THE WESTERN DISTRICT OF TEXAS

THIS MATTER is before the Court on the Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 filed by Petitioner Rigoberto Melero-Aguirre. (Doc. 1). This Court will order the case to be transferred to the Western District of Texas.

The Petitioner, Rigoberto Melero-Aguirre, is a federal inmate presently incarcerated at the La Tuna Federal Correctional Institute. (Doc. 1 at 1, ¶ 2). Melero-Aguirre was convicted and sentenced in United States District Court for the Western District of Texas, but he seeks § 2241 relief in this District. (Doc. 1 at 1, ¶ 4).¹ Petitioner may only seek § 2241 relief in the District where Melero-Aguirre is incarcerated. *Rumsfeld v. Padilla*, 452 U.S. 426, 442-43 (2004). Although FCI La Tuna may have some facilities physically located within the geographic boundaries of the State of New Mexico, for judicial purposes, FCI La Tuna is in the Western District of Texas. See www.bop.gov/locations/institutions/lat/. Therefore, because Melero-Aguirre is incarcerated in the Western District of Texas, this Court will order the case to be transferred to the Western District of Texas.

¹ It appears that Melero-Aguirre is challenging his conviction and sentence, and his Petition may be a second or successive motion under 28 U.S.C. § 2255. However, because the Western District of Texas is both the district of conviction and the district of incarceration, the Western District of Texas is in the best position to resolve that issue.

IT IS ORDERED that the Clerk is **DIRECTED** to Transfer this case to the Western District of Texas.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE